

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

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GELASIO J. GUERRERO,

Case No. 3:23-cv-00005-MMD-CSD

Plaintiff,

ORDER

v.

AMBER TOREZ, *et al.*,

Defendants.

Pro se Plaintiff Gelasio Guerrero brings this action under 42 U.S.C. § 1983. (ECF No. 1-1 (“Complaint”).) Before the Court is the Report and Recommendation (“R&R”) of United States Magistrate Judge Craig S. Denney, recommending that the Court dismiss this action without prejudice for Guerrero’s failure to comply with the Court’s orders (ECF Nos. 5, 9) to file an amended complaint and to file a notice of change of address. (ECF No. 10.) Objections to the R&R were due January 23, 2024. (*See id.*) To date, no objections have been filed. For this reason, and as explained below, the Court adopts the R&R in full and dismisses this action without prejudice.

Because there is no objection, the Court need not conduct *de novo* review and is satisfied Judge Denney did not clearly err. *See United States v. Reyna-Tapia*, 328 F.3d 1114, 1116 (9th Cir. 2003) (“*De novo* review of the magistrate judges’ findings and recommendations is required if, but *only* if, one or both parties file objections to the findings and recommendations.”) (emphasis in original). Judge Denney recommends dismissing this action because Guerrero failed to file an amended complaint in accordance with the Court’s August 2, 2023 screening order (ECF No. 5), despite receiving an extension until November 20, 2023 to do so (ECF No. 9). (ECF No. 10 at 1-2.) Guerrero also failed to file a notice of change of address by November 20, 2023 as

1 directed in the Court's October 20, 2023 order (ECF No. 9).¹ (ECF No. 10 at 1-2.) To
2 date, Guerrero has not filed an amended complaint or updated his address. (*Id.*) See LR
3 IA 3-1. Having reviewed the R&R and the record in this case, the Court agrees with Judge
4 Denney and will adopt the R&R in full.

5 It is therefore ordered that Judge Denney's Report and Recommendation (ECF
6 No. 10) is accepted and adopted in full.

7 It is further ordered that this action is dismissed without prejudice.

8 The Clerk of Court is directed to enter judgment accordingly and close this case.

9 DATED THIS 31st Day of January 2024.



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11 MIRANDA M. DU
12 CHIEF UNITED STATES DISTRICT JUDGE
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28 ¹Guerrero's mail was returned as undeliverable in September 2023. (ECF No. 8.)
However, it is Guerrero's responsibility to file notification of any change of mailing
address. See LR IA 3-1.